

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2251 OF 2004

Kalina recreation and Sports Club
and anr. ... Petitioners

Vs.

The Asst. Mun. Commissioner & Ors... Respondents

Ms. Anita Borkar for Petitioner.

Mrs. A.K. Savla for R. Nos. 1 to 3.

Mr. A.Y. Sayed, A.G.P. for R. No. 5.

Mr. Ashok Shety with Ms. Rita Joshi for R. No. 4.

**CORAM: F.I. REBELLO &
MRS.V.K.TAHILRAMANI, JJ.
DATE : 24TH JULY, 2006**

P.C.:

. The Petitioners approached this court as Respondent Nos. 1 to 3 in terms of the existing policy of letting out the play grounds which allows Organizations like the Petitoiner's to maintain the same. That is the subject matter of the present petition. From the replies on record, it appears that the Respondent Nos. 1 to 3 wanted to get the land demarcated from the city survey office for which the amount of Rs.64,000/- was sought. This amount has not been sanctioned by the authorities and as the learned counsel points out that as such they cannot proceed with the work of demarcation.

. Considering the above, in our opinion, the ends

of justice will be met if the following directions are issued :

(1) Respondent Nos. 1 to 3 to intimate to Petitioner No. 1 their requirement including the costs of demarcation and call on the Petitioners to bear the cost of the said demarcation and other incidental expenses. If the Petitioners, are agreeable to bear the costs for demarcation and other incidental expenses, then to proceed to act in terms of the existing rules for handing over of the play ground to private organisation. The Respondent Nos. 1 to 3 to intimate to the Petitioners, within twelve weeks from today what they have to pay to to commence the process of handing over the and thereafter to complete the process at the earliest. If the Petitioners comply with the requirements, the exercise to be completed not later than six months from today. With the above directions, Petition stands disposed of.

(MRS.V.K.TAHILRAMANI, J.)

(F.I.REBELLO, J.)